IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 391 of 2006

GRAM PANCHAYAT,SAMADARI
V/S
RAJKEEYA B.M.VIDHALAYA & ORS

Mr. HS CHAMPAWAT FOR Mr.SD RAJPUROHIT, for the appellant / petitioner

Date of Order : 4.12.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Learned counsel for the petitioner prayed for adjournment on the ground that Mr. Rajpurohit has sustained fracture. Suffice it to say that on 16.11.2006 time was granted on this count itself and that day two weeks time was granted as prayed for. Therefore, the adjournment is declined today.

I have heard learned counsel for the appellant and gone through the impugned judgment. The suit was filed by the plaintiff against Union of India, some authorities of Railway and appellant, who is Gram Panchayat, alleging inter-alia that the land in question was gifted by Pipa Samaj to Gram Panchayat by registered Gift Deed dated 10.4.1969, from out of that, land shown in Schedule-A was allotted to Gram Panchayat by the plaintiff's School, and accordingly School was constructed on some part of the land, and rest was kept as a play ground for the students.

Thereafter, the Municipality also executed a registered Gift Deed with respect to the same land in favour of the School, and boundary wall was also constructed in famine relief work. Thereafter, the Railway Authorities threatened to disturb the possession and therefore, the suit has been filed.

The Railway Authorities claimed some portion of the land to be belonging to Railway, while the present appellant did not file any written statement, as no relief was claimed against the Gram Panchayat.

In these circumstances, if the suit has been decreed against the Railway Authorities, the appeal was filed by the Railway Authorities, and the learned lower appellate court has set aside the judgment and decree of the learned trial court, inter-alia finding, that the plaintiff has failed to prove his title over the land, in my view the appellant cannot be said to be any manner aggrieved party, so as to be entitled to maintain appeal, as no decree was claimed against the appellant, in the suit and no relief has been granted either, against the present appellant.

Thus, I do not find the present appeal to be involving any substantial question of law, and the same is therefore dismissed summarily.

(N P GUPTA),J.

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